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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,708	12/20/2000	Paul M. Brennan	91436-312	3270

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,708

Applicant(s)

BRENNAN ET AL.

Examiner

Thjuan P Knowlin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 10/18/04 has been entered. Claims 1, 16, 27, and 30 have been amended. No claims have been cancelled. No claims have been added. Claims 1-31 are still pending in this application, with claims 1, 16, 27, and 30 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Brilla et al (US 6,389,276).

4. In regards to claims 1, 6, 7, 9, 10, 11, 12, 16, 22, 23, 27, 30, and 31, Brilla discloses a method for handling an unsuccessful synchronous call attempt (e.g., busy/no answer) from a calling party to a called party, said method comprising: monitoring a synchronous call attempt from said calling party (calling party 103a) to said called party (called party 104) (col. 6 lines 57-66); determining at least one communication address related to said called party (e.g., voice mail system, col. 7 lines 8-22); dropping said synchronous call attempt to said called party; after dropping said synchronous call attempt to said called party, receiving a message composed by the calling party; recording said received message (col. 7 lines 15-22); and sending said

recorded message (voicemail message) to said determined communication address (e.g., voice mail message, col. 7 lines 23-30, and col. 7 lines 50-66).

5. In regards to claims 2, 17, and 18, Brilla discloses the method and computer readable medium, further comprising determining that said synchronous call attempt to said called party is unsuccessful (col. 10 lines 21-25).

6. In regards to claim 3, Brilla discloses the method, wherein said determining that said synchronous call attempt to said called party is unsuccessful comprises detecting an indication from the calling party that said synchronous call attempt to said called party is unsuccessful (col. 10 lines 21-36).

7. In regards to claims 4, 19, and 28, Brilla discloses the method and computer readable medium, wherein said indication comprises said calling party pressing a predetermined key or keys on a communication device (col. 10 lines 21-36).

8. In regards to claims 5, 20, and 29, Brilla discloses the method and computer readable medium, wherein said indication comprises said calling party using a vocal command (col. 7 lines 8-22).

9. In regards to claims 8 and 21, Brilla discloses the method and computer readable medium, wherein said at least one communication address comprises at least one of a telephone number, pager number, e-mail address, voice messaging address, mobile phone number, and Internet instant messaging address (col. 8 lines 5-17, col. 15 lines 10-22, and col. 16 lines 13-23).

10. In regards to claims 13, 14, 15, 24, 25, and 26, Brilla discloses the method and computer readable medium, wherein said receiving a message composed by a calling

party (col. 15 lines 23-29) comprises: where said at least one communication address related to the called party comprises a plurality of communication addresses, presenting said calling party with a list of messaging options based on said plurality of communication addresses; allowing the calling party to select a messaging option for use; and commencing a message compose session related to said selected messaging option and pre-filling a communication address for said message with a communication address related to said messaging option (col. 10 lines 19-62).

11. Examiner takes official notice that claims 1-31 read on a calling party using a wireless phone to call a called party's wireless phone. The call may be unsuccessful (no answer, out of coverage area, etc.) and it will then be dropped. The claimed "sending said message to said determined communication address," simply reads on the calling party deciding to, for example, leave a voice mail message or deciding to send a text message.

### ***Response to Arguments***

12. Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive. Applicant argues that Brilla does not disclose that the recorded voicemail message is sent to the mobile telephone, and that only a command is sent to the mobile telephone, which provides notification that the voicemail is present in the landline voicemail system. Examiner respectfully disagrees with this argument. Brilla does disclose that the recorded voicemail message is sent to the mobile telephone (col. 7 lines 50-66). Applicant further argues that Brilla does not disclose that a message

composed by the calling party is received and recorded, and the recorded message is sent to the determined communication address of the called party. Examiner respectfully disagrees with this argument. Brilla does disclose that a message composed by the calling party is received and recorded (col. 7 lines 15-22), and the recorded message is sent to the determined communication address of the called party (col. 7 lines 23-30 and col. 7 lines 50-66).

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

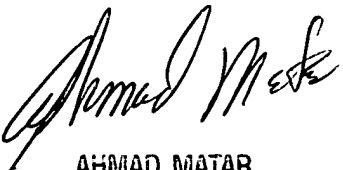
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

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16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



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